

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NOS. 2020-264-E AND 2020-265-E

IN RE: Duke Energy Carolinas, LLC's Establishment
of Solar Choice Metering Tariffs Pursuant to
S.C. Code Ann. Section 58-40-20 (See
Docket No. 2019-169-E)

And

Duke Energy Progress, LLC's Establishment
of Solar Choice Metering Tariffs Pursuant to
S.C. Code Ann. Section 58-40-20 (See
Docket No. 2019-169-E)

**OBJECTION TO PUBLIC
WITNESS TESTIMONY**

Pursuant to Commission Order No. 2021-64 the Public Service Commission of South Carolina (“Commission”) held a public hearing on April 21, 2021 (“Public Hearing”). Eight members of the public signed up to testify regarding the issues before the Commission in Docket Nos. 2020-224-E and 2020-225-E.¹ One of the public witnesses was former South Carolina Statehouse Representative Norrell. Representative Norrell served South Carolina as Representative of House District 44 from 2013 until 2019. At the Public Hearing, Representative Norrell testified regarding the legislative intent of the South Carolina Freedom Energy Act, or Act 62. On April 22, 2021, the Commission issued Order No. 2021-48-H, which directed that written comments regarding the public testimony be submitted to the Commission as soon as practicable.

According to the South Carolina Supreme Court, “[i]t is a settled principle in the interpretation of statutes that even where there is some ambiguity or some uncertainty in the

¹ Docket No. 2020-264-E Matter ID 299624 and Docket No. 2020-265-E Matter ID 299625.

language used, resort cannot be had to the opinions of legislators or of others concerned in the enactment of the law, for the purpose of ascertaining the intent of the legislature.” *Kennedy v. South Carolina Retirement System*, 345 S.C. 339, 353-354, 549 S.E. 2d 243, 250 (2001), citing *Greenville Baseball, Inc. v. Bearden*, 200 S.C. 363, 371, 20 S.E.2d 813, 817 (1942).

At the outset of Representative Norrell’s testimony she introduced herself as “the former Representative in the House of Representatives for District 44 in Lancaster County.”² Representative Norrell testified that she served on the subcommittee that reviewed Act 62.³ Representative Norrell and the Commission referenced Representative Norrell’s prior experience as a Legislator and the unique opportunities her testimony afforded the Commission to discuss Legislative intent. According to Representative Norrell, her main concern was “to let [the Commission] know about Legislative Intent.”⁴ Moreover, many of the Commissioner’s questions to Representative Norrell revolved specifically around her status as “one of the authors of the legislation”⁵ or her “unique perspective considering [her] background,”⁶ and her understanding of the Legislative Intent in passing Act 62.

It is clear that the South Carolina Supreme Court has ruled that the Commission cannot consider the opinion of a person that was concerned with the enactment of Act 62 as it seeks to interpret Act 62. Representative Norrell testified that she was a Legislator during the passing of Act 62. Moreover, Representative Norrell proffered testimony specifically to discuss the Legislative Intent in passing Act 62 and the Commission’s questions revolved almost exclusively around Representative Norrell’s opinion of legislative intent regarding Act 62. Accordingly, the

² See Archived Livestream around 1:01:48.

³ See Archived Livestream around 1:19:14.

⁴ See Archived Livestream around 1:04:10.

⁵ See Archived Livestream around 1:09:59.

⁶ See Archived Livestream around 1:12:00; See Also Archived Livestream around 1:18:10.

ORS respectfully objects to Representative Norrell's testimony being introduced into the record of this case and respectfully requests it be struck from the record and not considered evidence as the Commission weighs the issues.



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